

REMARKS***Abstract***

Applicant has amended the Abstract to shorten it to less than 150 words and to specifically direct it to the claimed invention. A clean copy of the Abstract is presented on a separate sheet.

Claim Rejections - 35 U.S.C. §102(b)

Claim 1 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by United States Patent No. 5,163,423 to Suzuki. Reconsideration and withdrawal of the rejection is requested.

Claim 1 recites a humidification apparatus including two temperature sensors, one at an outlet of a humidification chamber and another substantially at a patient end of a gas supply conduit. The invention as defined in claim 1 resides in displaying the lower of the two sensed temperatures.

The reason for displaying the lower of the two temperatures is clearly explained in the description on pages 13 and 14, in the section entitled "*User Output - Temperature Display*". Many clinicians equate the temperature of the humidified gas with the moisture content of the gas. However, gas may increase in temperature after leaving the humidification chamber, but the gas will not have any more moisture added to it. In these circumstances, the higher temperature of the gas at the patient end will give a clinician a misleading impression (too high) of the moisture content of the gas, as the gas will no longer be at 100% relative humidity. Accordingly, it is beneficial to display the lower temperature sensed at the humidification chamber, where the gas was at 100% relative humidity, in these circumstances.

In the opposite scenario, where the temperature of the gas is lower at the patient end than at the humidification chamber, the amount of moisture delivered to the patient will be best indicated by the temperature at the patient end. This is because the gas at the patient end will still be 100% relative humidity, but will contain less water than the gas did when at a higher temperature in the humidification chamber, as a result of condensation. Therefore, the most useful temperature indication is not always from the same temperature sensor and in order to prevent clinicians over estimating the amount of moisture delivered to the patient, it is advantageous to display the lower of the two sensed temperatures.

Applicant submits that Suzuki discloses a humidification apparatus with two temperature sensors and a display. However, it is clear that the display of Suzuki is for displaying calculated values only, not sensed temperature. The calculated values may be absolute humidity, or relative humidity or temperature. The Examiner states that inherently the controller is able to display the temperature detected by sensors. Applicant submits that this is not the case. It is not disclosed or suggested in Suzuki that the temperature detected by either sensor can be displayed on the display.

Even if both sensed temperatures could be displayed in the apparatus of Suzuki, Suzuki does not disclose or suggest determining the lower temperature and displaying the lower temperature as specified by claim 1. There is nothing in Suzuki to suggest at doing this. The fact absolute humidity can be displayed in Suzuki, using humidity function key 15, means that displaying the lower sensed temperature is unnecessary. The clinician would use the absolute humidity to determine the moisture delivered to the patient, not an estimate based upon a temperature reading.

Accordingly, Applicant submits that Suzuki does not anticipate, and does not render obvious, the subject matter of claim 1. Suzuki provides an alternative means of determining

the moisture content of gases delivered to the patient and provides no motivation to use the lower of two sensed temperatures to provide a clinician with an indication of the moisture content delivered. Therefore, Applicant requests that the Examiner reconsider the rejection and withdraw same.

Information Disclosure Statements

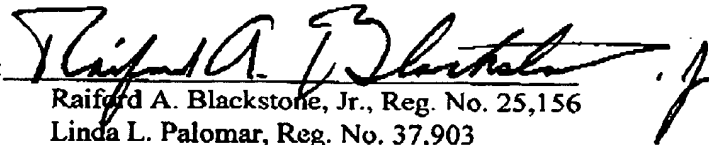
Applicant timely submitted Information Disclosure Statements on March 19, 2004 and October 23, 2003. Consideration of same and return of the initialed form is requested.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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